

VOTER CHALLENGE (PRIOR TO ELECTION DAY) FLOWCHART

Read and be thoroughly familiar with Article 8 of Chapter 163

WHEN § 163-85	No later than 25 days prior to an election or primary.
WHO § 163-85	Any qualified voter registered in the same county.
HOW § 163-85	Form provided by SBE is verified by a challenger, based on reasonable suspicion or belief of the facts stated. Grounds of challenge are noted on the form.
PRELIMINARY HEARING § 163-85	County board to conduct a preliminary hearing on a challenge. May entertain both testimony under oath and evidence presented from the challenger. If the county board finds probable cause, then it schedules a full hearing on the challenge. Preliminary hearing should be held promptly after notice of the preliminary is served on the challenged voter and the challenger. During the preliminary hearing the burden of proof to show probable cause is on the challenger and the challenged voter presents no formal evidence or testimony. In addition, the county board at this time shall set the date of the full hearing if they find probable cause.
PRIMA FACIE EVIDENCE § 163-85	Returned first-class letter to current address of challenged voter is prima facie evidence on non-residency at that address sufficient to show probable cause. Such evidence can later be rebutted by the challenged voter in the full hearing.
NOTICE OF FULL HEARING § 163-86	The panel shall give notice of the hearing to the challenger and to the challenged voter along with public notice of the full hearing on the challenge at least 10 days prior to the date of the hearing. In addition, notice of the full hearing must be sent to the chairman of each political party in the county. Notice to the challenged voter shall be mailed by first class mail to the address (both residential and mailing) of the voter listed in the county VR database.
THE CHALLENGED VOTER AND CHALLENGER MAY BE REPRESENTED BY COUNSEL	The hearing should be recorded as per the usual practice of recording the regular meetings of the board. Either party is free to retain a court reporter, at their expense, to record and transcript the hearing. The county board may issue subpoenas upon its own or other's request if it deems appropriate to do so (GS 163-86).
CONDUCT OF HEARING § 163-86	The challenged voter is sworn as to oath of residency as per GS 163-86(c) at the start of the hearing. The Chairman shall administer oaths to any witnesses.
CHALLENGE MUST BE BY SUBSTANTIAL AFFIRMATIVE PROOF § 163-90.1	The panel shall make a written decision on each challenge by separately stating findings of facts, conclusions of law, and the relief ordered. The written order must be served on the voter promptly. Copies of the order should be mailed to other interested parties.
CHANGING VOTER'S VR § 163-90.2(a)	When the challenge is sustained by the county board, the VR of the voter is changed to reflect the findings of the county board unless the matter is appealed. After appeal, the county board shall make any needed changes to the voters VR data.
APPEAL § 163-90.2(d)	May be appealed either by the challenged voter or challenger to the Superior Court of the county within 10 days after the decision by the county board was rendered. IT IS NOT APPEALED TO THE STATE BOARD OF ELECTIONS. The Superior Courts determines if the county board made sufficient findings of fact and conclusions of law to support its decision. There is not a new factual hearing before the Superior Court Judge; it is in the nature of an appellate review.

This document in no way replaces reading the statute.